

Entered -9-28-00 - sb  
CL 00L0592 - GWENDOLYN BURNS

00- R-1761

CLAIM OF: **LEROY PALMER**  
through his attorney,  
**Robert Kenner, Jr.**  
**Attorney at Law**  
**P.O. Box 762**  
**Lithonia, Georgia 30058**

For damages alleged to have been sustained as a result of a false arrest and imprisonment incident on June 16, 2000 at 723 Kennedy Street, NW.

THIS ADVERSED REPORT IS  
APPROVED

BY:   
\_\_\_\_\_  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0592

Date: October 20, 2000

Claimant /Victim LEROY PALMER  
BY: (Atty) (Ins. Co.) Robert Kenner, Jr., Attorney at Law  
Address: P.O. Box 762, Lithonia, Georgia 30058-0762  
Subrogation:            Claim for Property damage \$            Bodily Injury \$ unspecified  
Date of Notice: 9/25/00 Method: Written, Proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5            Ante Litem (6 Mo.)             
Date of Occurrence 6/16/00 Place: 723 Kennedy Street, NW  
Department POLICE Division             
Employee involved M. B. Bizell, A. Jewell Disciplinary Action:           

NATURE OF CLAIM: Claimant alleges that he sustained damages when he was maliciously prosecuted, falsely accused, arrested and imprisoned by Officers Bizell and Jewell. However, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law as set forth in O.C.G.A. Section 36-33-3.

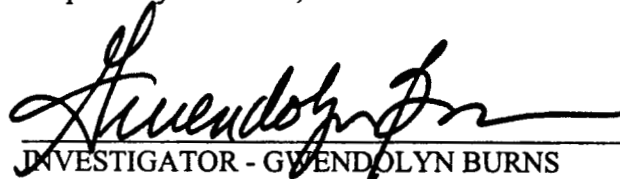
INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral             
Pictures            Diagrams            Reports: Police            Dept Report            Other X  
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial             
Improper Notice            More than Six Months            Other X Damages reasonable             
City not involved            Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$            Adverse X Account charged: 1A01            2J01            2H01             
Claims Manager:  Concur/date 10-20-00  
Committee Action:            Council Action

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LAW OFFICES OF  
**ROBERT KENNER, JR.**

6835 Main Street  
P.O. Box 762  
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Phone: (678) 526-8888  
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*BURNS*  
*09/26/00*  
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Entertainment Law:  
Movies, Music, Literary Publishing  
Contract Negotiations  
Criminal Law  
Personal Injury

September 20, 2000

VIA CERTIFIED MAIL # Z 399 495 825

ENTERED - 9-28-00 - SB  
00L0592 - GWEN BURNS

Susan Pease Langford, Esq.  
Atlanta City Attorney  
68 Mitchell Street, SW, Suite 4100  
Atlanta, Georgia 30335

RE: Notice of Claim against the City of Atlanta Police Department  
Date of Arrest : June 16, 2000  
Claimants/Our Clients: Gerald B. Morgan and Leroy Palmer

Dear Ms. Langford:

This letter shall serve as Gerald B. Morgan and Leroy Palmer's written notice to the City of Atlanta Police Department (Atlanta) pursuant to O.C.G.A. § 36-33-5 that they are asserting a claim against it for violation of their rights under State and Federal law.

On June 16, 2000, between the hours of 11:15 a.m. and 12:15p.m., Mr. Morgan and Mr. Palmer were standing behind a rooming house, which is located at 723 Kennedy Street, Atlanta, Georgia. Mr. Morgan owns a black 1987 Chevrolet Capri, which was parked in back of the rooming house. One of the residences of the property gave Mr. Morgan permission to park his car at the house. Mr. Morgan parked his car at the house because the car would be safe and off the street.

While Mr. Morgan and Mr. Palmer were standing near the car, Officer M. B. Bizell approached them. Officer Bizell asked Mr. Morgan and Mr. Palmer where they lived. Mr. Morgan told the officer he lived in the apartment complex, across the street and Mr. Palmer was visiting him. The officer asked why they were standing there and Mr. Morgan explained they were getting something out of his car. The officer asked Mr. Morgan if he had permission from the owner of the property to park his car there and Mr. Morgan said he did. The officer stated that he (the officer) knew the owner of the property and he did not believe that the owner gave Mr. Morgan such permission. Officer Bizell then asked Mr. Morgan and Mr. Palmer for their names, which they complied. After receiving their names, the officer drove away. Moments later, Officer Bizell returned. Officer A. Jewell and Sergeant J.W. Cooper accompanied him. Officers Bizell and Jewell got out of their police car with their weapons drawn and pointing at Mr.

c: **Gerald Morgan**  
**Leroy Palmer**